

2022 South Dakota Legislature

House Bill 1313**AMENDMENT 1313A FOR THE INTRODUCED BILL**

1 **An Act to expand the definition of community safety zone in relation to the sex**
2 **offender registry.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That § 22-24B-22 be AMENDED:**

5 **22-24B-22.** Terms used in §§ 22-24B-22 to 22-24B-28, inclusive, mean:

- 6 (1) "Community safety zone," the measurement of a straight line that creates an area
7 that lies within five hundred feet from the facilities and grounds of any school,
8 public park, public playground, ~~or~~ public pool, or any facility providing day care
9 services pursuant to chapter 26-6 or § 13-8-39.2, including the facilities and
10 grounds itself;
- 11 (2) "Loiter," to remain for a period of time and under circumstances that a reasonable
12 person would determine is for the primary purpose of observing or contacting
13 minors;
- 14 (3) "School," any public, private, denominational, or parochial school offering
15 preschool, kindergarten, or any grade from one through twelve accredited through
16 the Department of Education. This term does not apply to any facility where the
17 education of students might occur incidentally to the primary purpose of the
18 facility;
- 19 (4) "Residence," the address a person lists for purposes of the sex offender registry
20 under § 22-24B-12 and subdivision 22-24B-8(3).

21 **Section 2. That § 22-24B-23 be AMENDED:**

22 **22-24B-23.** No person who is required to register as a sex offender pursuant to
23 this chapter may establish a residence or reside within a community safety zone unless:

- 1 (1) The person is incarcerated in a jail or prison or other correctional placement which
2 is located within a community safety zone;
- 3 (2) The person is on parole or probation and has been assigned to a halfway house or
4 supervised living center within a community safety zone;
- 5 (3) The person is homeless and has been admitted to a community homeless shelter
6 within a community safety zone by an appropriate community official;
- 7 (4) The person is placed in a health care facility licensed pursuant to chapter 34-12, or
8 certified under Title XVIII or XIX of the Social Security Act as amended to December
9 31, 2001, or receiving services from a community service provider accredited or
10 certified by the Department of Human Services or the Department of Social
11 Services, which is located within a community safety zone;
- 12 (5) The person was under age eighteen at the time of the offense and the offender was
13 not tried and convicted of the offense as an adult;
- 14 (6) The person established and inhabited the residence as of July 1, 2006;
- 15 (7) The school, public park, public pool, ~~or~~ public playground, or facility providing day
16 care services pursuant to chapter 26-6 or § 13-8-39.2 was built or established
17 subsequent to the person's establishing residence at the location; or
- 18 (8) The circuit court has entered an order pursuant to § 22-24B-28 exempting the
19 offender from the provisions of §§ 22-24B-22 to 22-24B-28, inclusive.
20 A violation of this section is a Class 6 felony. Any subsequent violation is a Class 5
21 felony.

22 **Section 3. That chapter 22-24B be amended with a NEW SECTION:**

23 ~~No new facility providing day care services pursuant to chapter 26-6 or § 13-8-~~
24 ~~39.2 may be established within five hundred feet of a residence of a person required to~~
25 ~~register as a sex offender pursuant to this chapter, according to information maintained~~
26 ~~by the Division of Criminal Investigation, if the person established and inhabited the~~
27 ~~residence prior to July 1, 2022.~~

28 No person who is required to register as a sex offender pursuant to this chapter
29 may establish a residence or reside within five hundred feet of a facility providing day care
30 services pursuant to chapter 26-6 or § 13-8-39.2, unless the person established and
31 inhabited the residence prior to July 1, 2022. The facility shall provide notice of the
32 offender's residence to the parents or guardians of any child attending the facility.
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